

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

TOMMY LEWIS, PRESIDENT 2009 PRESIDING

August 17, 2009

A. CALL TO ORDER

The August 17, 2009, meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Tommy Lewis, Board President.

Sheriff Bill Rasco of the DeSoto County Sheriff’s Department was present and did open the DeSoto County Board of Supervisors meeting in a regular session to hear any and all business to come before the Board. The following were present:

- Supervisor Jessie Medlin-----District 1
- Supervisor Eugene C. Thach-----District 2
- Supervisor Bill Russell-----District 3
- Supervisor Allen Latimer-----District 4
- Supervisor Tommy Lewis-----District 5
- W. E. Sluggo Davis-----Chancery Clerk
- Michael Garriga-----County Administrator
- Tony Nowak -----Board Attorney
- Sheriff Bill Rasco-----Sheriff

B. INVOCATION

Supervisor Allen Latimer presented the invocation.

C. PLEDGE OF ALLEGIANCE

D. CONSENT

The Board of Supervisors considered the items presented on the Consent Agenda.

Supervisor Allen Latimer said he noticed the resignation of the Veteran’s Service Officer on the Consent Agenda. He said he assumes the Board will be trying to find another Veteran’s Service Officer to Replace Floyd Robertson. Supervisor Jessie Medlin said he is sure Mr. Brown is still interested in being the Veteran’s Service Officer. The Board said others may be interested in it as well and the County should publicize the vacancy.

Supervisor Jessie Medlin asked if all of the issues listed on the safety report result in a worker’s compensation claim. Vanessa Lynchard said not all incidents result in a worker’s comp claim.

Supervisor Eugene Thach made the motion and Supervisor Allen Latimer seconded the motion to approve the Consent Agenda and the reports and actions set forth therein as follows:

1. Accounting

a. Interfund Transfer

From: Chancery Court Administration Fund	\$3,901.82	(012-900-951)
From: County Court Administrator Fund	\$4,237.90	(013-900-951)
To: General County Fund	\$8,139.72	(001-000-387)

b. Interfund Loans (2)

From: 001-000-054 \$53,100.00
 To: 044-000-149 \$53,100.00

From: General County Fund 001-000-054 \$357,573.00
 To: EMA Grants Fund 044-000-149 \$357,573.00

2. Animal Shelter – Accept Restricted Donation from Mary Anne Byrne Doolittle-\$221.72

3. Inventory Dispositions – Final

a. Information Technology

Asset #	Serial #	Description	Reason for Disposal	Location at Preliminary
31340	B77FF11	Dell Computer	Broken	IT Dept
31806	11Y2582	Lexmark Printer	Broken/Outdated	IT Dept
6233	BB5114799	Southern Systems PC	Broken	IT Dept
37105	62023YR	Lexmark Laser Printer	Broken	IT Dept
32590	8906VXV	Samsung Monitor	Broken	IT Dept
31272	0025016707	Gateway PC	Broken	IT Dept
35941	SSG72F11049	HP Inkjet Printer	Broken	IT Dept
35180	HR83S51	Dell PC	Broken	IT Dept
30532	015503008	Gateway Computer	Broken	IT Dept
33463	E85Z3861787U	Proview Monitor	Broken	IT Dept
33459	E85Z3861714U	Proview Monitor	Broken	IT Dept
35565	CAF19E0A43701142	Neovo LCD Monitor	Broken	IT Dept
36683	553200553ED22	Acer LCD Monitor	Broken	IT Dept
30478	0014975442	Gateway PC	Broken/Parts	IT Dept
32577	A24031222494	Viewsonic Monitor	Broken	IT Dept
37130	QC2064710582	Viewsonic Monitor	Broken	IT Dept
32591	GH17H9NW507664L	Lexmark Laser Printer	Broken	IT Dept
33425	89167N8	Lexmark Laser Printer	Broken	IT Dept
36539	721D4Y5	Lexmark Laser Printer	Broken	IT Dept
6232	USFB215230	HP Laser Printer	Broken	IT Dept
6100	JPFK010918	HP Laser Printer	Broken	IT Dept
38081	MY72D9R14B	HP Deskjet Printer	Broken	IT Dept
35593	BZ00044141969	Philips LCD Monitor	Broken	IT Dept
31767	9N40254	Lexmark Dot Matrix Printer	Broken	IT Dept

b. AOP

Asset#	Serial#	Description	Reason for Disposal	Disposed of by	Loc. At Final
34395	02602973374	Nokia Cell Phone	Broken	JB	5R
34755	01203729944	Motorola Cell Phone	Obsolete	JB	5R

4. Sheriff’s Dept. – Declaration of Forfeiture (2)

1992 Pontiac Bonneville VIN#1GHZ5216N1272071

1997 Ford Explorer 1FMDU32E1VUB36584, \$459.00 in US currency

5. Safety Officer’s Report (2)

6. Make Part of Minutes

a. Agreement with Walls Water Assoc.-Relocation of Water Lines

b. Interlocal Agreement with Town of Walls-Assist with Animal Control Enforcement

c. Interlocal Agreement with the Cities of Hernando, Horn Lake, Olive Branch, Southaven, and Walls for Purchase of Sirens – Secretary of State Approval

d. Interlocal Agreement with DCRUA, and the Cities of Hernando Horn Lake, Olive Branch and Southaven for Purchase of Generators – Secretary of State Approval

7. Purchasing - Solicit Bids for Jail Food Supplies

8. Extension Service/4-H

a. Sign Purchase Requisitions – Joy Anderson

b. Remove from Signing Purchase Requisitions – Carol Cecelia

9. Veteran’s Officer Resignation –Floyd Robertson

10. Sheriff Dept. Laptop Purchase – WCC Approval and ITS Approval

11. Grants

a. Accept Public Health Grant - \$4,799

b. Apply for FY 09 Community Preparedness & Awareness - \$35,000

12. Chancery Court - \$1,550.00

The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

See Exhibit D

E. CITIZEN CONCERNS

1. Tax Protest – C & M Builders

Supervisor Tommy Lewis asked anyone present to come forward concerning the tax protest by C & M Builders. No one came forward. Board Attorney Tony Nowak advised the Board that if this was a protest for taxes, the time has expired for protests to be presented.

Later in the meeting, Supervisor Lewis asked if anyone was present to discuss the tax protest. No one came forward.

F. OLD BUSINESS

G. NEW BUSINESS

1. 9:30 – Tax Exemptions Recommendation – New Breed Logistics, Inc.

Vanessa Lynchard said an emergency had arisen with the representatives from New Breed Logistics and they asked that this item be held over until September 8th.

No action was taken on this item.

2. DeSoto Arts Council – Plank Road Festival

Elaine Abadie of the DeSoto Arts Council appeared before the Board to tell them about an event of the Arts Council. Ms. Abadie said they are having the Plank Road Festival at Snowden Grove to be held on October 10th and 11th. She said this event is free to the public. There will be music, visual arts, dancing and a sunset symphony among other activities.

Ms. Abadie explained that the term plank road was used in the 1800s and referred to roads made of planks and kept mud at bay. She said the plank roads helped cotton farmers deliver their crops to the city and made the feeling of isolation a little easier to endure.

Ms. Abadie said this event is free and will reach new and diverse audiences to enrich and unite the community. The event should grow and become a premier event in Desoto County. Ms. Abadie said she is before the Board today to see if they would be willing to help support the event.

Supervisor Allen Latimer asked how the money from the County would be used. Ms. Abadie it will go toward paying for the event. The Arts Council will pay the musicians which includes lighting, sound and stage costs. She said they are also going into the schools to talk about the “Plank Road”.

Supervisor Jessie Medlin asked how much money is donated in the County budget to the Arts Council. County Administrator said they donated \$20,000 to the Arts Council.

Supervisor Eugene Thach asked if the cities are supporting the festival. Ms. Abadie said yes, some are giving donations.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to donate the average of the amount donated by Hernando, Olive Branch and Southaven, up to \$5,000 for the Plank Road Festival as presented by the Arts Council, after having determined this is an ideal event to advertise the resources and possibilities in Desoto County. The motion passed by a vote as follows:

- Supervisor Jessie Medlin-----YES
- Supervisor Eugene C. Thach-----YES
- Supervisor Bill Russell-----YES
- Supervisor Allen Latimer-----YES
- Supervisor Tommy Lewis-----NO

Supervisor Tommy Lewis said he is all for the festival and believes it will be a good event for DeSoto County. Supervisor Lewis said the Arts Council does a great job and he would have preferred to donate a set amount of money to the Plank Road Festival instead of delaying the donation by going through a city match process.

See Exhibit G.2

3. Accounting

a. Supplemental Claims Docket

Stephanie Hanks read the Supplemental Claims Docket.

Supervisor Allen Latimer said page 5 is listing the concession stand in Lake Cormorant that was destroyed by fire. He said the ball team is getting a portion of the insurance proceeds to rebuild the concession stand as reimbursement since part of the destroyed items were owned by the ball club.

In accordance with Section 19-13-31 and Section 19-11-23 of the Mississippi Code annotated, Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to authorize the Chancery Clerk to pay the bills as presented by the Comptroller and to authorize the clerk to write the check. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

See Exhibit G.3.a

b. Budget Amendments

Comptroller Tom Arnold presented budget amendments to the Board of Supervisors for their consideration.

Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to approve the budget amendments as detailed in exhibit G.3.b. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----ABSENT
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

See Exhibit G.3.b

c. Last Meeting in September

County Administrator asked the Board to consider a late meeting as close to the end of the fiscal year as possible in September to address all of the budget issues.

Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to schedule the last meeting in the fiscal year for September 28, 2009. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

See Exhibit G.3.c

4. Planning Commission – Off-Premises Signs

Ken Murphree, David Withers and Tommy Tucker appeared before the Board of Supervisors to discuss off premise signs. Mr. Murphree said that David Withers grew up in Lake Cormorant and his family owns property on Highway 61. He said Mr. Withers mother entered into a fifteen year contract in 1991 with a billboard company called Clear Channel. The contract is now expired. Mr. Withers' family had two billboards on their property and the contract expired three months ago. They began to talk to Clear Channel about the contract and renewal and decided to go to other vendors to seek opportunities for the billboards. Mr. Murphree said they are before the Board to ask the Board to provide its interpretation of a portion of the County's rules or consider some alternatives to the current rules on this issue. Mr. Murphree said, in the future, there will be other landowners who will be in the same situation as the Withers family. Mr. Murphree said he feels the Board would want families to be able to negotiate the best deal on their property for years to come. He said he is asking the Board of Supervisors to amend the ordinance for billboards or do whatever they need to do to address the Withers situation.

Supervisor Jessie Medlin asked if there have been other expired contracts with billboards. Planning Director Jim McDougal said yes, the time does expire on billboards but we have not had any that expired with other landowners. He said this situation has been a change of companies.

In this case, the advertising company owned the sign. Thus, when the contract with the landowner expired, it would require the landowner to replace the sign as it was removed by the company.

Supervisor Russell asked if there is a grandfather clause for billboards. Board Attorney Tony Nowak said the ordinance reads so that signs existing at the time of the ordinance were grandfathered, however, that existing billboards can only be replaced or rebuilt under certain circumstances.

Mr. Murphree said, in some cases, the landowner may own the structures and in other cases, the company may own the structure.

Mr. Withers said they were told they had no option. He said this case has been in court and the judge ruled that this property belongs to the Withers family.

Mr. Murphree said they would ask the Board to look at this as a generic situation because other landowners will want to get the highest and best use of their property as well.

Mr. Mark Herbert, attorney for Clear Channel, addressed the Board of Supervisors on this issue. He said they are now in litigation with the Withers concerning this issue. On May 9, 2001, the Board of Supervisors adopted the ordinance for billboards. He says the only reason to replace a billboard would be through an act of God. He said Clear Channel had a lease that expired August 4, 2008 and the situation was presented to Mr. McDougal. The sign belonged to Clear Channel. The parties negotiated on the contract renewal from August to December and could not come to an agreement. Clear Channel removed the sign on December 9, 2008 and the Withers are not allowed to put another sign on the property. Mr. Herbert said Clear Channel has been before the Board on this point in the past and they were not allowed to rebuild the sign.

Supervisor Russell said, the ordinance says Acts of God or eminent domain are covered under the ordinance. Mr. McDougal said he thinks Clear Channel was turned down before he became director of the Planning Commission.

Supervisor Russell said today, if someone came in because the highway was going to be widened, would the Planning Commission allow them to get a permit. Mr. McDougal said he would be open to that but it depends on the circumstances.

Supervisor Bill Russell said he would like to make a motion to take this issue under advisement and form a committee to come back with a recommendation to the Board on what should be done.

Supervisor Thach asked what the Board Attorney recommends in this situation. Mr. Nowak said he has been looking at it and acts of God and eminent domain are clearly stated in the ordinance. The question would be the definition of unforeseen circumstances, as used in the prior minutes, and it up to the Board to make that interpretation.

Supervisor Jessie Medlin asked what the language in the ordinance means. Mr. McDougal said the motion that was passed states that billboards may be rebuilt or upgraded in the same location if they suffer deterioration due to unforeseen circumstances, acts of God or eminent domain. He said thinks the Board was interested in deterioration over time. At that time of this ordinance, the City of Hernando was debating the deteriorated signs on Pleasant Hill Road and that has been such an issue with the city since that time.

Supervisor Allen Latimer said he agrees with Supervisor Medlin. There should be a provision for replacing signs that deteriorate. When the Board passed the ordinance, they were dealing with a different situation at that time. He asked if it is not fair for landowners of Desoto County to be held under the gun. Supervisor Latimer suggested the Board have a public hearing on this issue to find out the public's opinion.

Supervisor Russell said he is not suggesting a public hearing with the motion. He said we might find the intent of the ordinance was to replace the billboard without changing the ordinance and then it would not be necessary to change the ordinance. He said, we may find we do have to change the ordinance to address these situations.

Supervisor Latimer said he does not want to see another billboard added in Desoto County. He is concerned about freedom for the landowners to negotiate when they have an existing contract.

Mr. Nowak said, one issue is whether the grandfather clause is meant to protect the sign, the real property the sign is on or the property owner. In this case, Clear Channel is the owner of the billboard sign but not the property it is on. The Board needs to consider that question in interpreting the ordinance. He said to amend the ordinance is another option.

Supervisor Bill Russell made the motion and Supervisor Allen Latimer seconded the motion to schedule a Public Hearing to clarify the meaning of the ordinance and to hold this item over until the matter has been determined.

Supervisor Jessie Medlin said he wonders if the Board should take the matter under advisement and determine what options are available.

Supervisor Thach said he is not for adding billboards in the County.

Supervisor Russell said we are not talking about adding billboards in the County. We are talking about existing billboards and the authority of the landowners who have existing billboards.

Supervisor Russell withdrew the motion and Supervisor Latimer withdrew the second to the motion.

Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to hold this matter over and set up a committee to study the billboard ordinance and report back to the Board. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

Supervisor Tommy Lewis appointed Supervisor Allen Latimer and Supervisor Bill Russell to the committee to research the billboard ordinance.

Supervisor Lewis said this issue will be placed back on the agenda for September 8th.

5. Board Attorney

a. Bond Continuing Disclosure Agreement

Board Attorney Tony Nowak said that a rule has changed for reporting the bond disclosures. Mr. Nowak said that Butler Snow Law Firm has been handling County bond disclosures and they have agreed to update the County’s filings to comply with the recent reporting requirements.

Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to retain Butler Snow Law Firm and authorize the Board President to sign any paperwork necessary to allow the firm to prepare bond disclosure information as necessary on behalf of the County and to hire the Smith, Phillips, Mitchell, Scott& Nowak Law Firm to participate in any way necessary on behalf of the County. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

b. Sands, Anderson-Approval of Contract

Board Attorney Tony Nowak said the Sands, Anderson Law Firm is handling the bankruptcies of Circuit City for many jurisdictions and they have asked if Desoto County wants to join. Mr. Nowak said the county can participate in an effort to reduce the costs for this by providing the law firm with necessary information.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the contract with the Sands, Anderson Law Firm to represent Desoto County in the bankruptcy filing of Circuit City and to authorize the Smith, Phillips, Mitchell, Scott & Nowak Law Firm to participate in any way necessary on behalf of the County to bring the matter to a legal conclusion. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

See Exhibit G.5.b

c. Appoint Butler Snow as Disclosure Agent

Mr. Nowak said this is the same matter of business handled in Agenda Item G.5.a. No action is necessary.

d. University of Memphis-Approve Intern Contract

The Board Attorney said the Sheriff's Department has an opportunity to contract with the University of Memphis to have an intern who is a Forensic Science student to work with the Sheriff's Department.

Sheriff Bill Rasco said this should be a good advantage for the Sheriff's Department.

At the recommendation of Sheriff Bill Rasco, Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the contract with the University of Memphis for a Forensic Science intern or interns in the Desoto County Sheriff's Department and authorize the Board President to sign the contract. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

6. Dept. of Road Management – Request for Exception to County Ordinance

Road Manager Russell Dorris said the City of Olive Branch requested an exemption to the Desoto County ordinance requiring four inch lines to be installed by boring under the road. The City of Olive Branch is requesting to open cut the road to install utilities for a subdivision. He said the ordinance requires them to bore the road if it is cut.

Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to follow the established ordinance and require the City of Olive Branch to bore the road. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

See Exhibit G.6

7. Schedule Budget Work Session

Supervisor Eugene Thach made the motion and Supervisor Allen Latimer seconded the motion to schedule a budget work session for August 24, 2009 at 9:00 a.m. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

8. AP Holdings – Request for Reduction in Assessment Value

County Administrator Michael Garriga reminded the Board of Supervisors that AP Holdings paid their taxes under protest. He said they are filing a request for a reduction in assessments.

Board Attorney Tony Nowak said he had been advised that AP Holdings did not file the protest by the first Monday in August as required by law, so he thinks they cannot pursue this request. Mr. Nowak recommended the Board to deny the request since all tax protests must be filed by the first Monday in August.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to deny the request for a reduction in assessments by AP Holdings due to their not meeting the filing date required by law which is the first Monday in August. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

See Exhibit G.8

9. Mid-South Fair

County Administrator Michael Garriga said a group met Friday to discuss the Mid-South Fair. The fair will be held the last two weeks of September. Mr. Garriga said payroll for the Mid-South Fair will not be an issue because it will not be paid until the next budget year. He said it was a very positive meeting. There were concerns regarding the cost to provide county services to the Mid-South Fair. He said he believes the cost is not as great as was previously reported.

Sheriff Bill Rasco said there were concerns about the money necessary to provide service at the fair. He said the figures from the previous estimates were based on the information provided by the Mid-South Fair. Sheriff Rasco said those numbers were in error and the cost has been greatly reduced to provide the service.

The Board of Supervisors discussed whether Mid South Fair can pay the County for the services. The Board Attorney said there legal options for the fair to pay for the services.

Supervisor Eugene Thach asked if there are ways to get money for the services from the fair. Mr. Nowak said yes.

H. EXECUTIVE SESSION

The executive session portion of these minutes is recorded under the portion of the minutes called "Executive Session".

I. OTHER ISSUES

1. Olive Branch Library

Stan Quarles of Quarles Fire Protection Service appeared before the Board of Supervisors and asked if they had received a letter regarding work his company performed at the Olive Branch Library. He said the City of Olive Branch says it is not their responsibility to pay for the work and the County also said it is not their responsibility to pay either. Mr. Quarles said he is a bit upset about the issue. He said he has done fire inspections for the past five years at the library. Last week Olive Branch informed him that after doing the routine inspection, they could not pay him for the work. Mr. Quarles said the bill was only \$175. This time last year, he was working between 25 and 30 employees and now he is down to two men. He said he is the only sprinkler contractor in north Mississippi. Mr. Quarles said he just completed an \$8 million project for the Defense Depot in Memphis.

Mr. Quarles said when he went to do the inspection for the library, he was informed that the County had changed contractor. Mr. Quarles said he is before the Board to find out why the County changed contractors. He said he has supported ball teams and other Desoto County interests for years and he tries to be a good County resident and participant.

Supervisor Tommy Lewis said the Board will look into the issue.

2. County Appreciation Day

Road Manager Russell Dorris said that September 18th, from 11:00 to 1:00 will be employee appreciation day. Mr. Dorris said the County has been invited to hold the event at the Gale Center in Hernando. He said everyone from the County and City of Hernando is invited.

Supervisor Bill Russell made the motion and Supervisor Allen Latimer seconded the motion to approve September 18th, from 11:00 to 1:00 as Employee Appreciation Day at the Gale Center in Hernando. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

3. Drainage – Liberty Estates Drive

Road Manager Russell Dorris presented a recommendation to the Board of Supervisors concerning a drainage issue on Liberty Estates Drive. Mr. Dorris said the drainage ditch lying between 6510 and 6530 Liberty Estates Drive has become eroded and blocked and water is flowing over the road onto the property across the street during a storm event. However, water is standing about 18 inches in the ditch. The deterioration of the drainage system is creating a hazardous situation and needs to be repaired. Mr. Dorris said he has determined this to be an issue jeopardizing the public health, safety and welfare of the citizens. He said to fix the problem will take about three days to repair the damage at a cost of approximately \$12,188.74 for labor equipment and materials.

Supervisor Jessie Medlin said the Road Department and County should be careful about working on private property when there is no detrimental affect on the road.

Mr. Dorris said, Mr. Medlin is talking about the work on College Road, where the road was in the County, but private property had to be accessed to fix the problem and that property was in the city. Mr. Dorris said he felt like that road work was necessary.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion after having received the recommendation of the Road Manager that the health, safety and

welfare of the public was jeopardized by the drainage problem on Liberty Estates Drive and to authorize the work to be done at an estimated cost of \$12,188.74. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----NO
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

See Exhibit H.3

4. Park Fund – District 5

Supervisor Tommy Lewis said at the last meeting the Board authorized a donation to the City of Hernando for Youth Sports.

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to amend the previous motion to allow the donation to the City of Hernando to pass to the Youth Sports for the football program in the amount of \$5,000 from the District 5 Park Fund. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

5. Sheriff's Department – WCC Request - Laptops

Comptroller Tom Arnold notified the Board of Supervisors that the County received \$47,000 from the Wireless Communications Commission to go toward putting computers in patrol cars.

6. Chancery Clerk - Tax Roll Recapitulations

Chancery Clerk Sluggo Davis said he received the recaps from the State Tax Commission for the tax rolls to be signed individually by the Supervisors.

7. Appointment – Eudora Fire Protection District

Supervisor Allen Latimer made the motion and Supervisor Jessie Medlin seconded the motion to hold over the issue of an appointment to the Eudora Fire Protection Commission until August 24, 2009. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

8. Dept. of Road Management – Personnel

At the recommendation of the Road Manager, Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to hire Danny Poole as a truck driver at \$13.00 per hour, effective August 18, 2009, or whenever all employee screenings are successfully completed. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----ABSENT

Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

Supervisor Eugene Thach made the motion and Supervisor Allen Latimer seconded the motion to recess the meeting until August 24, 2009, at 9:00 a.m. The motion passed by a vote as follows:

Supervisor Jessie Medlin----- ABSENT
Supervisor Eugene C. Thach----- YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

THIS the 17th day of August, 2009, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Tommy Lewis, President
DeSoto County Board of Supervisors